

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

Ford Motor Company, a Corporation and DOES 1 through 10, inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Maria Gastelum

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

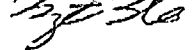
Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Riverside Superior Court
4050 Main Street
Riverside, CA 92501

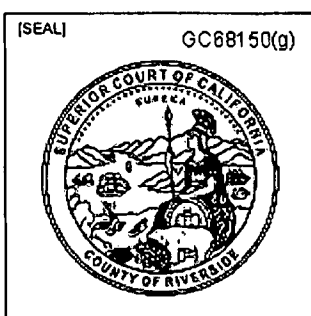
CASE NUMBER:
(Número del Caso): CVRI2201250

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Susan A. Yeck Esq. 2900 Adams Street #A-340 Riverside, CA 92504 (951)977-8110

DATE:
(Fecha) 3/29/2022

Clerk, by
(Secretario) , Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify): Ford Motor Company, a Corporation
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

Electronically FILED by Superior Court of California, County of Riverside on 03/29/2022 02:01 PM
Case Number CVRI2201250 0000016392041 - W. Samuel Hamrick Jr., Executive Officer/Clerk of the Court By Brigit Prado, Clerk

Susan A. Yeck Esq. State Bar #129031
LEMON LAW ASSOCIATES
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Attorney for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

Maria Gastelum,)	CASE NO: CVRI2201250
Plaintiff,)	
v.)	COMPLAINT FOR RESTITUTION
)	DAMAGES AND CIVIL PENALTY
Ford Motor Company, a Corporation, and)	
DOES 1 through 10, inclusive,)	
Defendants.)	

1 Plaintiff Maria Gastelum ("Plaintiff") brings this action on her own behalf and
based upon information and belief against defendants Ford Motor Company, a Corporation;
and DOES 1 through 10 inclusive ("Defendants").

2. On or about May 17, 2021, Plaintiff purchased a 2021 Ford Explorer vehicle
identification number 1FMSK7DH2MGB02498 ("vehicle" or "Ford").

3. The vehicle was purchased as a new vehicle, and has had significant
nonconformities during the manufacturer's, defendant's factory warranty period.

4. Plaintiff uses her vehicle primarily for personal, family and household purposes.
Soon after purchase, Plaintiff experienced continuing nonconformities with the vehicle,
including but not limited to, the following: Engine issue: check engine light is on and the

1 vehicle tends to lack power when trying to accelerate.

2 5. Despite confirmation of the nonconformities and repeated lengthy repair
3 attempts, defendants have been unable to correct the nonconformities. These nonconformities
4 substantially impair the use, value and or safety of the vehicle.

5 PARTIES

6 6. Plaintiff Maria Gastelum is an individual residing in the County of Riverside,
7 State of California.

8 7. Defendant Ford Motor Company is a corporation registered and transacting
9 business in the County of Riverside, State of California.

10 8. The true names and capacities of defendants sued herein under Code of Civil
11 Procedure Section 474 as DOES 1 through 10, inclusive, are presently unknown to Plaintiff
12 who will seek to amend this complaint to include these DOES defendants when they are
13 identified.
14

15 9. At all times mentioned in the complaint, each of the defendants was an agent of
16 each and every other defendant. In doing the things alleged in the complaint, each defendant
17 was acting within the course and scope of their agency and was acting with the consent,
18 permission and authorization of each of the other defendants.
19

20 JURISDICTION AND VENUE

21 10. This Court has jurisdiction over this action pursuant to the Constitution of the
22 State of California, Article VI, Section 10, as this case is not a cause given by statute to other
23 trial courts.

24 11. This Court has jurisdiction over each defendant pursuant to Code of Civil
25 Procedure Section 410.10 by virtue of their extensive business dealings and transactions within.
26 Each defendant is either a corporation or association organized under the laws of the State of
27
28

1 California, a foreign corporation or association authorized to do business in California, or does
2 sufficient business, has sufficient minimum contacts with or avails itself of the California
3 market through the manufacturing, production, promotion, sale, marketing and distribution of
4 product in California. Exercise of jurisdiction by California courts is permissible under
5 traditional notions of fair play and substantial justice.

6 12. Venue is proper in this County pursuant to Title 29 of the United States Code,
7 Chapter 18 Section 1132 and Code of Civil Procedure Sections 395 and 395.5 as this is a court
8 of competent jurisdiction, and the sale contract was signed and entered in this county.
9

10 FIRST CAUSE OF ACTION

11 (Complaint for violation of the Song-Beverly Consumer Warranty Act, Civil Code
12 Section 1790 *et seq.*, as against all defendants)

13 13. Plaintiff Maria Gastelum incorporates all prior allegations.

14 14. The vehicle is a consumer good as defined under the Song-Beverly Consumer
15 Warranty Act.

16 15. Plaintiff Maria Gastelum is a "purchaser" of consumer goods as defined under
17 the Song-Beverly Consumer Warranty Act.
18

19 16. Defendant Ford Motor Company is a "manufacturer" and "distributor" as
20 defined under the Song-Beverly Consumer Warranty Act.

21 17. The sale of the vehicle to Plaintiff was accompanied by an express written
22 warranty.

23 18. The serious nonconformities have manifested themselves within the applicable
24 express warranty period. The nonconformities substantially impair the use, value and or safety
25 of the vehicle and or can cause serious bodily injury or death.
26

27 19. Plaintiff brought the vehicle to authorized repair facilities for repairs on
28 numerous occasions in attempts to have the existing express warranties satisfied.

1 20. ~~Defendants have not repaired the nonconformities after a reasonable number of~~
2 attempts and, as such, have failed to comply with and have breached all applicable warranty
3 requirements.

4 21. Further, the sale of the vehicle to Plaintiff was accompanied by implied
5 warranties that the vehicle was merchantable and fit for a particular use.

6 22. Defendants have breached the implied warranties of merchantability and fitness
7 for a particular use because the vehicle when sold would not pass without objection in the trade
8 and the vehicle was defective on purchase.

9 23. Despite their breach of the express and implied warranties, defendants have
10 refused plaintiff's demand for a refund or replacement.

11 24. By failure of defendants to remedy the defects as alleged above, or to issue a
12 refund or replacement, defendants are in breach of their obligations under the Song-Beverly
13 Consumer Warranty Act.

14 25. Defendants' continuing breach of their obligations as set forth herein is willful
15 pursuant to the Song-Beverly Consumer Warranty Act and as such, defendants and each of
16 them are liable to Plaintiff for civil penalties in an amount as set forth below.

17 /////


PRAYER FOR RELIEF

WHEREFORE, Plaintiff Maria Gastelum prays for judgment as follows:

1. For general, special and actual damages according to proof at trial;
2. For rescission of the purchase contract and restitution of all monies expended;
3. For incidental and consequential damages according to proof at trial;
4. For a civil penalty in an amount of two times plaintiff's actual damages;
5. For prejudgment interest at the legal rate;
6. For reasonable attorney's fees and costs of suit; and
7. For such other and further relief as this Court deems just and proper.

Dated: February 28, 2022

LEMON LAW ASSOCIATES OF CALIFORNIA



SUSAN A. YECK, ESQ.
Attorney for Plaintiff Maria Gastelum